

<b>Agenda Item</b> A11	<b>Committee Date</b> 15 March 2010	<b>Application Number</b> 09/01171/FUL
<b>Application Site</b> Asda Stores Ltd Ovangle Road Lancaster Lancashire	<b>Proposal</b> Erection of a single storey side extension and reconfiguration of car park layout	
<b>Name of Applicant</b> Asda Stores Ltd	<b>Name of Agent</b> Miss Kate Sewell	
<b>Decision Target Date</b> 1 March 2010	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mr Karl Glover	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approve	

## **1.0 The Site and its Surroundings**

- 1.1 The application relates to an Asda supermarket between Lancaster and Morecambe City Centre occupying a roughly triangular site of around 3.6 hectares (c310m East to West and 140m north to south) between the Lancaster-Morecambe Greenway and the Salt Ayre waste disposal site. The site is approximately 1.5 miles from Lancaster's Primary Retail Area; almost 2 miles from Morecambe's Arndale Centre and approximately 0.8 mile from Torrisholme's Local Centre.
- 1.2 The store building occupies the western corner of the site. It is a predominantly brown brick single storey structure dating from the early 1980s with a flat asphalt roof and perimeter tiled mansard roof. The remainder of the site is made up of the store car park, cycle parking, petrol station, bus stop, recycling bins, service yard and well treed mature perimeter landscaping. Prior to the development of the store in 1981, the site was agricultural land.
- 1.3 The site is predominantly flat but rises at its northern edge to meet the Ovangle Road embankment. Views on and off the site are restricted by wooded perimeter landscaping, by the mounded Salt Ayre landfill site to the south and by the embankment carrying Ovangle Road to the north.
- 1.4 The Council's Strategic Flood Risk area identifies most of the eastern part of the site as lying within Flood Zone 3a and the central part, including most of the store building within Flood Zone 3b.
- 1.5 The site is bounded by the embankment carrying Ovangle Road and by the White Lund Industrial Estate beyond to the North West. It is bounded by the Lancaster-Morecambe Greenway and a housing estate beyond to the North East. It is bounded by the Salt Ayre Leisure Centre to the East, by Doris Henderson Way (the access road to the Salt Ayre Leisure Centre) and by the Salt Ayre landfill site beyond to the south east and by a recently built children's nursery to the south west.
- 1.6 Customer vehicular access is from a light controlled junction off Ovangle Road. Service access is off Doris Henderson Way. There is also a vehicular access to Salt Ayre Leisure Centre at the eastern tip of the site. The bus stop within the site is served by Lancaster Bus Route 6A which provides an

hourly service between Lancaster and Morecambe via Westgate. There are two pedestrian accesses onto the Lancaster and Morecambe Greenway. The site has a limited walk in population with residential areas on the north east side only. Lancashire County Council's MARIO map system does not indicate any public rights of way over the site.

- 1.7 The site does not lie within a Conservation Area or identified area of National or Local Nature Conservation importance.

## **2.0 The Proposal**

- 2.1 The proposal is for a single storey extension faced in white composite cladding, projecting around 20m to the south eastern front facing Doris Henderson Way. The extension would result in;

- an increase in gross internal floor space of the building from 9619 sq m to 10,665 sq m, an increase of 1046 sq m;
- an increase in trading floor space (excluding checkouts) from 4237 sq m to 5154 sq m, an increase of 917 sq m;
- an increase in net convenience floor space from 2771 sq m to 3230 sq m, an increase of 458 sq m
- an increase in net comparison floor space from 1466 sq m to 1018 sq m, an increase of 459 sq m

## **3.0 Site History**

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>99/00440/OUT</b>	Outline application for extension to retail store (906 sq m gross)	Approved (Never implemented)
<b>04/00328/REM</b>	Reserved Matters application for the erection of an extension to retail store (836 sq m gross)	Approved (Never implemented)

## **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory and internal consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>Lancashire County Highways</b>	No objections subject to developer contribution in the form of a Section 278 Agreement (Estimated cost £50,000) towards travel mitigation measures and a further contribution towards highway improvements of £57,000. The contribution should be secured by a S106 Agreement and would principally be used to support public transport to the site.
<b>Travel Plans Coordinator</b>	No objections in principle however a more detailed travel plan with a Travel plan Co-Ordinator, indicating the benefits of active travel and how this will be promoted to staff and customers is recommended. Details of progress on this will be reported verbally to Members.
<b>Forward Planning and Policy</b>	No objections to the proposal in principle, the scheme satisfies the requirements of Planning Policy Statement (PPS) 4 - Planning for Sustainable Economic Growth specific conditions are to be applied.
<b>Environment Agency</b>	No objections to the proposal
<b>Environmental Health Service</b>	No Objections to the proposal
<b>Access Officer</b>	No objections.

<b>Tree Protection Officer</b>	No objections to the proposal, discussions have taken place with the applicant to discuss replacement planting on and off site.
<b>Morecambe Parish Council</b>	No comments received within the statutory consultation period.

## **5.0 Neighbour Representations**

5.1 No correspondence has been received at the time of compiling this report. Any comments subsequently received will be reported verbally.

## **6.0 Principal Development Plan Policies**

### **6.1 National Planning Policy Statement (PPS)**

6.2 PPS 4 (Planning for Sustainable Economic Growth) - All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and,
- The impact on local employment.

In terms of retail development, the emphasis is on the protection of existing town and local centres. The proposal should not have an adverse impact on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer.

### **6.3 Lancaster District Core Strategy – adopted July 2008**

Policy **SC1** (Sustainable Development) – ensuring new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of climate change.

Policy **SC2** (Urban Concentration) – ensuring 98% of new retail floorspace and 95% of new employment floorspace will be accommodated within the existing urban area of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC5** (Design Quality) – ensuring new development is of a quality which reflects and enhances the positive characteristics of its surroundings, and improves appearance where conditions are unsatisfactory

Policy **SC7** (Development and Flood Risk) – ensuring development proposals and allocations will be assessed in line with PPS25 (Development and Flood Risk)

Policy **ER4** and **ER5** (Town Centres and shopping & New Retail Development) - seeks to maintain the viability and vitality of town centres. ER5 states that retail development should be focused in existing centres to reinforce the vitality and viability of existing centre. Needs which can not be accommodated in existing centres should be in edge of centre locations with good pedestrian links and public access. The preamble states that the Council can not foresee needs fro out of centre comparison floorspace which would outweigh the national policy presumption against such

development.

Policy **ER6** (Renewable Energy) – Seeks to promote renewable energy in the District by promoting micro-renewables through its Development Control policies.

Policy **E1** (Environmental Capital) - Development should protect and enhance nature conservation sites and green spaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, and conserve and enhance landscapes.

Policy **E2** (Transportation Measures) – states that the Council will minimise the need to travel by car by focusing development on town centres and locations which offer a choice of modes of transport.

#### 6.4 Lancaster District Local Plan Policies

Policy **S1** defines the town centre boundaries whereas Policy **S2** relates to new retail development and sets out the criteria for new retail development in edge and out of centre locations, however this policy has now been superseded by policies contained within the Core Strategy.

The only relevant policy in the Local Plan relates to **R21** which requires the provision of disabled access.

### **7.0 Comment and Analysis**

#### 7.1 Sequential Analysis

The sequential analysis has not been carried out in line with the Government's Good Practice guidance on Need, Impact and the Sequential Approach. Sites have not been systematically assessed against the sequential criteria of availability, suitability and viability. There are also errors in the application of the test. For example, availability of the site to the applicant is explicitly **not** a reason to dismiss a sequentially more preferable site. There clearly are available, suitable and viable sites capable of accommodating additional convenience and comparison floor space.

Notwithstanding the above, it is clear that the proposed extension is an intrinsic part of the store and, if there is a case for expanding the store, the extension cannot reasonably be disaggregated. There is clear evidence that the existing Asda store is overtrading in relation to convenience goods. Asda also cite a need to provide wider aisles and a wider range of goods to meet customer aspirations. Given the close relationship between this proposal and the existing store, it is considered that despite the methodological flaws, the applicant has demonstrated that the proposal could not be accommodated on a sequentially preferable site.

#### 7.2 Effect on Planned Investment

The following additional points are made by the applicant in relation to the impact of the proposal on investment.

- The Canal Corridor scheme; Despite the refusal, the site remains suitable for a retail led scheme. The prospects for this will not be adversely affected by the Asda scheme;
- Proposals for development at the Arndale Centre, the Frontierland site and the Sainsbury store at Christie Park will not be affected by the proposal.

Of the schemes identified by the applicant, only the Arndale Centre is a town centre scheme. The Canal Corridor is an edge of centre proposal. The others are out-of-centre and irrelevant to the issue of Town Centre vitality. The applicant's statement also fails to consider the retail and hotel scheme on the former Cinema site. Nonetheless the conclusion is accepted that the proposal is unlikely to have an impact on committed investment proposals in Town Centres.

#### 7.3 Town Centre Investment

The applicant makes the following points in relation to vitality and viability;

- The proposed extension focuses on meeting the needs of existing customers and will not materially impact on existing trading patterns.
- The proposal is small in scale relative to other schemes in Lancaster and Morecambe;
- Lancaster remains a vibrant centre and that this will be boosted further by the proposed investment at Canal Corridor. The key priority is enhancing the mainstream higher end comparison retail offer;
- The development of 459 sq. m. of non-food retailing at the ASDA store will not impact on the viability of the centre, its sub-regional role or the delivery of a future Canal Corridor North scheme;
- The proposal will not therefore impact on Lancaster City Centre;
- In terms of Morecambe, there is a need to consolidate the centre;
- An incremental extension of the ASDA store would have no significant impact over and above that of the Sainsbury's store.
- In considering the Sainsbury's proposals any negative aspects of the proposal would be outweighed by the ability of the Sainsbury's store to claw back lost trade.

7.4 The Sainsbury's approval predates the new national guidance (PPS 4). Whilst it is clear from the evidence that Lancaster is a relatively robust centre, Morecambe remains vulnerable. The recent Sainsbury Store is out of centre and was justified by a full analysis of quantitative need. Nonetheless there is little to suggest that the scale of development proposed would have a significant impact on Morecambe in itself provided that the scale of development proposed and convenience-comparison balance is controlled.

#### 7.5 Effects on Allocated Sites Outside Town Centres

The applicant states that it is not aware of any out-of-centre land use allocations that would be prejudiced by these proposals. Lancaster City Council's Core Strategy does not seek to promote town centre development in out of centre site and this conclusion is accepted

#### 7.6 Renewable Technologies

Some additional explanation has been submitted on energy generation. Energy increases in association with the proposed extension relating to refrigeration, heating and cooling and lighting will be offset by the implementation of a new energy efficient lighting system across the whole store. A new Air Source Heat Pump will deliver 124,500KWh.

#### 7.7 Design

The design of the proposed extension will result in a modern feature on a substantially dated building. It has been discussed with the applicant to try and improve the other areas of the existing building and bring it up to date, in-line with this proposal. This is something the applicant will be looking to do in the near future. The materials to be used include white composite cladding under a flat ply roofing system which will tie in with the existing roof.

#### 7.8 Landscaping

The Tree Protection Officer has reviewed the proposed landscaping scheme and requested a number of amendments. The proposal includes the removal of 30 trees in order to accommodate the development. The requirement for replacement planting has previously identified at a ratio of three new trees for each specimen removed.

7.9 Although this scheme does not intend to replant at this ratio of 3:1, mainly due to the area available for replanting, discussions have taken place and a revised scheme has been received that identifies a total of 33 significant new woodland trees and 12 standard trees leaving a total of 45 new trees along with low growing and medium shrub planting. In addition to this figure, ongoing discussions

continue with the agent to provide nearby off site planting.

#### 7.10 Traffic Impact

From the information supplied in the Transport Assessment Lancashire County Highways are satisfied that the proposed extension will only have a relatively small impact on the wider highway network, and that the signal controlled store access junction will still operate within capacity, although some increase in queuing will result. In this context Lancashire County Highways Officers have observed queue lengths, particularly on the easterly leg from Morecambe Road, at times exceed the numbers given in the analysis (in Appendix J in the TA).

Therefore in order to mitigate as far as possible the traffic impact of this development, the developer should be required to fund an upgrade to the MOVA Control (Microprocessor Optimised Vehicle Actuation – a sensor activated system), including some bus priority measures, at the store traffic signals. This will maintain a reliable service for ASDA customers. The County Council's Cycling Officer has also requested that the developer provide a toucan crossing facility across these signals. These measures should be provided by S278 (Highway) Agreement.

#### 7.11 Parking

The application involves an increase in gross retail floor area, resulting in a small reduction in the overall level of parking. For the mix of retail uses associated with a store of this nature the residual number of spaces at 473 is slightly less than appropriate, however the results of the parking accumulation study, including the justification for the anticipated 4.5% increase in customers indicates that there will be no significant adverse impact as a result of the loss of parking. On the basis of that study it does appear the car park will operate satisfactorily under normal trading situations.

#### 7.12 Travel Plan

At the time of compiling this report a revised travel plan has been sent to Lancashire County Highways' Travel Plan Coordinator for assessment. Progress on this matter will be verbally reported to Members.

### **8.0 Conclusions**

8.1 The proposal is seen to be acceptable in terms of local and national retail planning policies and the retail element is supported by an adequate convenience comparison capacity (60/40 split). The proposal will expand the currently overtrading Asda food store and provide a much improved and efficient service to its customers.

8.2 A draft Section 106 Agreement has already been received with the suggested developer contributions outlined by the highways authority agreed. Subject to the receipt of a satisfactory Travel Plan, anticipated prior to the Committee Meeting, the proposal is seen to be acceptable and can be supported.

### **Recommendation**

That subject to the signing of a Section 106 (legal) agreement covering a financial contribution of £57,000 towards public transport improvements and £50,000 towards traffic impact mitigation measures, Permission **BE GRANTED** subject to the following conditions:

- 1 Standard 3 year planning permission
- 2 Amended Plans
- 3 Development in accordance with approved plans
- 4 Samples of materials to be agreed
- 5 The total gross floor space of the extended store be limited to 10,665 sq m
- 6 The total comparison and convenience net floor space (excluding checkouts) of the extended store be limited to 5154 sq m
- 7 The total net comparison floor space of the extended store shall not exceed 2062 sq m
- 8 The store and extension to be maintained as a single retail store and not subdivided

- 9 Implementation of Landscape Maintenance Programme dated 15<sup>th</sup> January 2010
- 10 Implementation of Method Statement detailed within tree survey dated 15<sup>th</sup> January 2010
- 11 Details of the scheme for upgrade (MOVA) to traffic signals (including toucan crossing) at the Asda site entrance to be submitted and agreed
- 12 No store extension to commence until the upgrade for traffic signals have taken place (Condition 11)
- 13 Provision of car parking areas
- 14 Cycle storage details to be agreed
- 15 As may be further requested by consultees or required in connection with any revised proposals

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None